

07/16/2015

**Village of Cold Spring Zoning Board of Appeals
85 Main Street, Cold Spring New York 10516
Phone (845) 265-3611
Public hearing for Anne Impellizzeri, 15 High Street**

July 16, 2015

Members present: Chairman Gregory Gunder members; Alison Anthoine, and John Martin

Chairman G. Gunder opened the meeting at 7:39 P.M. by announcing the board members as follows: On my left, returning from Montauk, John Martin, to the right, Allison Anthoine and Greg Gunder, Chair.

Chairman G. Gunder read the following legal notice:

NOTICE IS HEREBY GIVEN the Zoning Board of Appeals will hold a Public Hearing on Thursday, July 16 at 7:30 PM at Village Hall, 85 Main Street, Cold Spring, NY for the purpose of hearing public comment on the application of Anne E. Impellizzeri, PO Box 176 Cold Spring, New York to replace an existing residence which was destroyed by fire in 2014, at 15 high Street, Cold Spring, New York. The proposal will require a Side Yard variance from Section 134-17 (E) and a Front Yard variance 134-7 (C)(4). The property is in the R-1 zone. All interested parties are encouraged to attend and be heard.

Dated: July 6, 2015.

Anne Impellizzeri presented the Board with the return receipt green cards and noted she received all the green cards but two from the following:

- Chelsey Mozena and Daniel Plotz, 14 Church St.
- Catrina and Aaron Wolf, 19 Church St.

Juhee Hartford from River Architects did a power point presentation. The presentation showed compared the footprint of the original house and the proposed footprint. The front porch will be smaller than the previous one and the back porch will be longer but will not require a variance. The attic square footage is about 300sq. footage which brings them well below the 50%. The overall lot coverage has been reduced. The previously proposed covered porch has been removed. The basement is a full basement but is mostly below the ground. A North Side yard variance is 3'4" is being requested. Juhee Hartford presented pictures of homes on the street showing the front elevations including front porches. Chairman G. Gunder noted if other porches on the street all line up the applicant would not need a front yard variance for a porch.

Juhee Hartford reviewed the ZBA questions as follows:

1. Whether an undesirable change will be produced in the character of the variance? The Applicant is keeping the proposal in character of the neighborhood.

07/16/2015

2. Whether the benefit sought by the applicant can be achieved by some, method feasible for the applicant to pursue other than an area variance? Off street parking was added and the proposal is keeping with the neighborhood.

3. Whether the requested variance is substantial? No, the footprint is similar.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No, off street parking is being done and drainage is managed through a graveled pit known as Riprap. The surface will not change.

5. Whether the alleged difficulty was self-created? No

New drawings will note the following:

- A note will be added to the drawing showing the drainage system.
- Omission of the covered deck
- Roof change from shed to a gable roof.

The Board noted that if any substantial changes are made by the HDRB the ZBA will have to be notified. If HDRB changes the footprint where the variances are approved the applicant will have to come back to the ZBA.

At 8:15 P.M. the meeting was open for public comment

Pat Angerame, 17 High St. asked the following:

- If the side variance will stay within bounds where it previously was The Board answered yes.
- If the drainage can be extended. The rainwater runoff can be diverted away from the neighboring northerly property. Juhee answered they will put exposed gravel where the water will run which slowly allows the rain water to seep through on the north side.
- If back deck was longer. Juhee Hartford answered the deck is 6 ft. longer than it used to be. But is still within the rear-yard setbacks. Height at end of deck is about 6 'to grade.

Fran Murphy – Noted she came to support Anne and whatever she will put up and noted that it will fit in the neighborhood because Anne is very aware of the neighborhood.

Juhee Hartford questioned if thicker insulation is used and increased the footprint if the variance will change. The Board noted as long as the north corner line remains the building can move in a southerly direction where there is extra side yard setback space which can accept the encroachment increase.

The Board noted that no letters were received.

Board members had no questions.

The Board reviewed the Village code 134-7(B)(2) regarding the front yard setback as:

07/16/2015

If Two (2) or more existing dwellings are located with two hundred (200) feet on each side of a proposed dwelling [except in the case of a corner lot then within two hundred (200) feet on one (1) side of a proposed dwelling] on the same side of the street and within the same block and same district, said proposed dwelling may have a front yard not greater than the average setback of all existing dwellings so located, subject to the special permit under 134-16.

The Board reviewed a google map for more accurate location of the other buildings and the porches on the street.

The board discussed keeping the public hearing open until the two people that didn't respond can give notice. The public hearing will continue on August 20, 2015 at 7:30 P.M. J. Martin moved to adjourn the public hearing until the 20th of August and A. Anthoine seconded the motion. The public hearing adjourned at 8:46 P.M.

The regular meeting opened at 8:47 P.M.

Minutes:

- The minutes of March 19, 2015 were reviewed. One change to the bottom of page 4; a word change from 'will to well.' J. Martin moved to approve the minutes as amended and A. Anthoine seconded the motion. The minutes were approved unanimously.
- The minutes of June 18, 2015 were reviewed. A. Anthoine moved to accept the minutes as presented and J. Martin seconded the motion. The minutes were approved unanimously.

John Martin moved to adjourn the regular meeting and A. Anthoine second the motion. The regular meeting adjourned at 9:00 P.M.

Gregory Gunder, Zoning Board of Appeals Chair

Date